IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11761 of 2005

Between:

M/s. Anand Granite Exports (P) Ltd.,

58-12-2, Municipal High School Road, Santhapet,
Ongole-523 001, Rep. by its Director Dr. P. Anand.

..... PETITIONER

AND

1 Mines and Geology Department,

Government of Andhra Pradesh, rep. by
Prl. Secretary, Secretariat, Hyderabad.
2 The Director of Mines & Geology,

8th Floor, BRKR Bhavan, Tank Bund Road, Hyderabad-500 029.
3 The Assistant Director of Mines & Geology, Ongole - 523 004.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction declaring the inaction of the 1st Respondent in not passing order either in the Revision or the Stay petition filed by the petitioner against the order of the 2nd Respondent made in Proceedings No. 34728/R3-2/2004, dt. 19-5-2005, as arbitrary, illegal, opposed to the principles of natural justice, contrary to the A.P. Minor Mineral Concession Rules, 1966 and violative of the Fundamental Right Guaranteed under Article 14 of the Constitution of India and issue a consequential direction to the respondents not to grant quarry lease in respect of the land in an extent of Ac. 4-38 cents in Sy.No. 104/1, 5 , 6 and 7 of R.L. Puram Village, Chimakurthy Mandal, Prakasham District, in favour of third Parties, pending disposal of the Revision filed by the petitioner and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr. S.SRINIVAS REDDY

Counsel for the Respondents: GP FOR INDUSTRIES AND COMMERCE

The Court, at the stage of admission, made the following :

ORDER:

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This Writ Petition is filed to declare the inaction of the 1st respondent, in not passing order either in the Revision or stay petition filed by the petitioner against the order of the 2nd respondent made in proceedings No.34728/R3-2/2004 dated 19-05-2005, as arbitrary, illegal and violative of the principles of natural justice.

2. Heard Sri S.Srinivasa Reddy, learned counsel for the petitioner and the learned Government Pleader for Industries and Commerce.

3. It is contended by the learned counsel for the petitioner that the respondents are trying to grant quarry lease to the third parties and if the third party rights are intervened, it will cause hardship to the petitioner and to safeguard the interest of the petitioner a direction may be given to the respondents not to grant any lease in favour of the third parties in respect of the Survey No.104/1, 5, 6 and 7 of R.L.Puram village, Chimakurthy Mandal, Prakasam District in an extent of Ac.4.38 cents. It is also brought to the notice of this Court that a material of granite blocks, worth about Rs.50,00,000/-, is lying in the leased land and if the third party rights are intervened, the petitioner would suffer serious and irreparable loss.

4. Admittedly, challenging the proceedings No.34728/R3-2/2004 dated 19-05-2005 of the 2nd respondent, a revision petition is filed before the 1st respondent. Appropriate decision has to be taken by the 1st respondent in accordance with the A.P.Minor Mineral Concession Rules, 1966. The petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action. Whether the order of the 2nd respondent is correct or not and whether it is in accordance with the law or not is to be decided by the Government in the revision petition. Till such time the right of the petitioner can be protected. Therefore, without entering into the merits of the case the Writ Petition is disposed of directing the 1st respondent to pass appropriate orders on the revision and the stay petition filed by the petitioner against the orders of the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order. The respondents are at liberty to process the fresh proposals to grant the quarry lease in accordance with law to any third parties. Till the disposal of the revision petition before the Government-1st respondent, no finalization of the lease in favour of the third parties shall be made.

5. With the above direction, the Writ Petition is disposed of. No order as to costs.

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(K.C.BHANU,J)

2nd June, 2005.

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To

1 The Principal Secretary ,

Mines and Geology,

Government of Andhra Pradesh,

Secretariat, Hyderabad.

2 The Director of Mines & Geology,

8th Floor, BRKR Bhavan,

Tank Bund Road,

Hyderabad-500 029.

3 The Assistant Director of Mines & Geology,

Ongole - 523 004.

4 Two CCs to the GP for Industries and Commerce,

High Court Buildings, Hyderabad.

5 Two CD copies